

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joseph Duane Gustafson, Jr.,

Plaintiff,

v.

William Bolin, et al,

Defendants.

Case No. 19-cv-1963 (SRN/ECW)

ORDER

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated September 18, 2019, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that

1. The petition for a writ of habeas corpus of petitioner Joseph Duane Gustafson, Jr. [Doc. No.1] is **DISMISSED** as untimely.
2. The motion to dismiss of respondent Keith Ellison [Doc. No. 6] is **GRANTED**.
3. Gustafson's motion for discovery [Doc. No. 2] is **DENIED**.
4. Gustafson's motion for assertion of Minnesota Rule 144 [Doc. No. 12] is **DENIED**.
5. No certificate of appealability shall be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: November 4, 2019

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge